



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,422	09/23/2003	Steve Brnjac	062349-0001	1089

33797 7590 03/23/2005

MILLER THOMPSON, LLP
20 QUEEN STREET WEST, SUITE 2500
TORONTO, ON M5H 3S1
CANADA

EXAMINER

WUJCIAK, ALFRED J


ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

fe

 Office Action Summary	Application No.		Applicant(s)	
	10/667,422		BRNJAC, STEVE	
	Examiner		Art Unit	
	Alfred Joseph Wujciak III		3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

5

DETAILED ACTION

This is the final Office Action for the serial number 10/667,422, RETRACTABLE HOOK ASSEMBLY FOR MOUNTING ON A SURFACE, filed on 9/23/03.

Drawings

The drawings were received on 12/8/04. These drawings are approved.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13, lines 1-2, "said surface" is indefinite because it cites combination/subcombination problem. "Surface" is not positively cited in the preamble of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,941,250 to Ott in view of US Patent # 4,651,961 to Melivn.

Ott teaches a hook assembly (figure 2) comprising a bracket member (11) having front side with a retracting groove (23) and a least one positioning channel (20) and a back side. The hook assembly includes a hook member (12) having a proximal end and a distal end. The proximal end having at least one projection (35) adapted to engage the positioning channel when the hook member is in an extended position. The front side of the bracket member is adapted to receive the hook member into the retracting groove when in a retracted position. The positioning channel has a top side (located above of element 22) and a bottom side (located below of element 22) providing a cam surface. The projection is a cam whereby the cam engages the top side or cam surface of the positioning channel when the hook member is in the extended position and the cam engages the bottom side or cam surface when the hook member is in the retracted position. The retracting groove has two sides (13 and 14) and has two positioning channels located on either side of the retracting groove (figure 5). The hook member is an arm having two sides, a front side and back side, and has two cams on either side of the arm to engage the two positioning channels. Wherein the distal end of the arm is adapted to receive a user's finger thereby allowing the user to extend the arm into the extended position (col. 4, lines 19-21). The distal end of the arm has a pull tab (38) shaped to accommodate the user's finger. The hook assembly is manufactured from plastic (col. 3, lines 36-38 and col. 4, lines 3-4). The surface is a wall (col. 2, lines 60-61).

Art Unit: 3632

Ott teaches the hook member but fails to teach the hook member extends to a maximum of 45 degrees. Melvin teaches the hook member (20) extends at 45 degrees (col. 3, lines 16-21). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Ott's hook member with 45 degrees angle as taught by Melvin to provide designer's preference for the angle of the hook member for supporting an object at certain height off the floor.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ott in view of Melvin.

Ott teaches the front side of the bracket member and the front side of the arm but fails to teach the front side of the bracket member and arm having graphic. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added graphic to Ott's front side of the bracket member and front side of the arm to provide an improvement in ornament appearance of the hook assembly and to blend with the color or decoration of a wall in building.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ott in view of Melvin and in further view of US Patent # 2,706,049 to Andrews.

Ott teaches the distal end of the arm but fails to teach the distal end of the arm is hook shaped. Andrews teaches the distal end of the arm (16) is hook shaped. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified

Art Unit: 3632

Ott's distal end with hook shaped as taught by Andrews to provide an ornament appearance of the hook assembly.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ott in view of Melvin of US Patent Application Publication # 2004/0104325 to Ay.

Ott teaches a hook assembly (figure 2) comprising a bracket member (11) having front side with a retracting groove (23) and a least one positioning channel (20) and a back side. The hook assembly includes a hook member (12) having a proximal end and a distal end. The proximal end having at least one projection (35) adapted to engage the positioning channel when the hook member is in an extended position. The front side of the bracket member is adapted to receive the hook member into the retracting groove when in a retracted position. The positioning channel has a top side (located above of element 22) and a bottom side (located below of element 22) providing a cam surface. The projection is a cam whereby the cam engages the top side or cam surface of the positioning channel when the hook member is in the extended position and the cam engages the bottom side or cam surface when the hook member is in the retracted position. The retracting groove has two sides (13 and 14) and has two positioning channels located on either side of the retracting groove (figure 5). The hook member is an arm having two sides, a front side and back side, and has two cams on either side of the arm to engage the two positioning channels. Wherein the distal end of the arm is adapted to receive a user's finger thereby allowing the user to extend the arm into the extended position (col. 4, lines 19-21). The distal end of the arm has a pull tab (38) shaped to accommodate the user's finger. The hook

Art Unit: 3632

assembly is manufactured from plastic (col. 3, lines 36-38 and col. 4, lines 3-4). The surface is a wall (col. 2, lines 60-61).

Ott teaches the hook member and retracting groove but fails to teach more than one hook member and retracting groove. Ay teaches plurality of hook members and retracting grooves (figure 14). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added additional hook member and retracting groove to Ott's hook assembly as taught by Ay to provide additional storage for supporting a plurality of object thereon.

Allowable Subject Matter

Claims 5-8 and 19-20 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach wherein the cams engage the top sides of the positioning channels allowing the arm to extend a maximum of 45 degree.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to claims 1-4 and 9-18 have been considered but are moot in view of the new ground(s) of rejection.

In regards to 35 USC 112 rejection for claim 13, the applicant did not amended claim 1 to overcome the 112 problem as stated in the page 1 of remarks.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

Art Unit: 3632

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

Art Unit 3632 *AW*

3/9/05


ANITA KING
PRIMARY EXAMINER